FBI Reduces Penalty For Agent in Break-ins

By Robert Pear
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FBI Director William H. Webster said yesterday that he has reversed his decision to fire an FBI agent who approved break-ins, wiretaps and mail-openings while leading a New York squad that searched for fugitive members of the radical Weather Underground.

Webster said that he would impose a lesser penalty, demoting the agent to a "non-supervisory rank."

The FBI did not name the agent, but FBI sources identified him as Horace Beckwith, onetime leader of the FBI's Squad 47 in New York.

Webster said he was reducing the agent's punishment because he had cooperated with internal investigations of FBI improprieties.

"The agent has conducted himself throughout the administrative inquiry with unusual candor," Webster said in a letter to Attorney General Griffin B. Bell.

"The record now reflects that his conduct during the (Justice) Department's own prior investigation of surreptitious entries was not only open, candid and cooperative, but was viewed by a department official in a position to know as crucial to the success of the investigation," Webster added.

RECOGNIZING SUCH candor and cooperation, Webster said, "serves as an incentive to others to cooperate with legitimate administrative inquiry."

Beckwith's lawyer, Brian P. Gettings, said that the reduction in penalty was "totally justified." Beckwith accepts the lesser discipline even though "it's a severe damage to his career development," Gettings said.

Beckwith will be transferred to an FBI field office to work as a street agent, his lawyer said.

For the past two years, Beckwith has been a supervisor at headquarters handling Freedom of Information Act requests.

"Talk about punishment!" Gettings said. "I can't imagine anything worse than that. He's served two years in Siberia."

Beckwith was one of two FBI agents whom Webster proposed to fire for their use of unauthorized investigative techniques in the early 1970s.

THE OTHER AGENT, identified by FBI sources as Brian Murphy, has retired since disciplinary action was announced on Dec. 5, Webster said.

Beckwith was apparently not eligible for retirement. He is entitled to seek further review of his case by the Merit System Protection Board and by the courts.

But Gettings said Beckwith accepts his demotion.

One Justice Department official, in response to the proposed disciplinary action against Beckwith, voluntarily submitted a statement attesting to Beckwith's cooperation during the department's probe.

Besides moving to discharge Beckwith and Murphy, Webster last month also demoted one agent, suspended another for 30 days and exonerated 58 street agents and one supervisor. Bell had already decided not to prosecute any of the men, turning over their cases to the FBI for possible administrative discipline.

IN HIS PREVIOUS report, Webster said that Beckwith, as a field supervisor, "ignored specific instructions, as well as manual regulations, and authorized and approved electronic surveillance and mail openings, thereby failing to discharge his duty to give needed guidance to his subordinates and subverting the existing procedures. . . ."

In addition, Webster said last month, Beckwith "approved four surreptitious entries in violation of existing procedures by not obtaining prior authorization from his superiors."

Yesterday Webster said that Beckwith had compiled an "exemplary record" during the 4½ years since he led the search for Weather Underground members.

L. Patrick Gray III, a former acting director of the FBI, W. Mark Felt, his No. 2 man, and Edward S. Miller, chief of domestic intelligence, are scheduled to go on trial in March on charges that they approved break-ins into the homes of friends and relatives of Weather Underground members.